



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. Box 1450  
ALEXANDRIA, VA 22313-1450  
www.uspto.gov

Frommer, Lawrence & Haug, LLP  
745 Fifth Avenue  
New York, NY 10151

**COPY MAILED**

**JUL 10 2006**

**OFFICE OF PETITIONS**

In re Patent No. 6,939,881 :  
Issue Date : September 6, 2005 :  
Application No. 09/867,285 : **DECISION ON PETITION**  
Filed: May 29, 2001 :  
Patentee(s): Frank Pipers :

This is a decision on the petition under 37 CFR 1.183 filed on October 19, 2005, which is being treated as a request under 37 CFR 3.81(b)<sup>1</sup> to correct the assignee's name on the front page of the above-identified patent by way of a certificate of correction.

The petition is **dismissed**.

Petitioner requests issuance of a Certificate of Correction in the name of "Merial Limited, Duluth, GA." However, Office PALM computer database assignment records do not reflect that an assignment in the name of "Merial Limited, Duluth, GA" was ever recorded. 37 CFR 3.81(a) permits the patent to issue to the assignee, provided that, at the time the issue fee is paid, the name of an assignee is provided. 37 CFR 3.81(b) permits the patent to issue in the name of an assignee if the assignment was submitted after payment of the issue fee but **prior to issuance of a patent**. Since there is no assignment and no assignment fee recorded with the Patent and Trademark Office, prior to issuance, in the name of "Merial Limited, Duluth, GA", a Certificate of Correction would not be in order. See MPEP Section 307. However, petitioner is entitled to receive a Certificate of Correction in the name of "Merial Limited, London, United Kingdom," as recorded in the Patent and Trademark Office at reel 011922 and frame number 0495, provided that a renewed petition and corrected Certificate of Correction form PTO-1050 is submitted.

A petition under 37 CFR 3.81 requires a processing fee of \$130. Since the Office erroneously charged petitioner's deposit account an additional \$270, that fee will be refunded to petitioner's deposit account, in due course.

This application file is being referred to Files Repository.

Inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith  
Petitions Examiner  
Office of Petitions

<sup>1</sup> See Official Gazette of June 22, 2004